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Exempt Action Final Regulation Agency Background Document

Approval authority name	State Water Control Board
Virginia Administrative Code (VAC) citation	9 VAC 25-101-10 et seq.
Regulation title	Tank Vessel Oil Discharge Contingency Plans and Financial Responsibility Requirements
Action title	Amend Existing Regulation to Reflect Statutory Change
Final agency action date	August 31, 2004
Document preparation date	July 29, 2004

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006(A) of the of the Administrative Process Act (APA) (townhall.state.va.us/dpbpages/dpb_apa.htm), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act (leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-4100), the *Virginia Register Form, Style, and Procedure Manual* (legis.state.va.us/codecomm/register/download/styl8_95.rtf), and Executive Orders 21 (02) and 58 (99) (governor.state.va.us/Press_Policy/Executive_Orders/EOHome.html)

Summary

Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

This action will amend the existing Tank Vessel Oil Discharge Contingency Plans and Financial Responsibility Requirements to conform to changes made to the Code of Virginia by the 2004 General Assembly. Article 11 of the State Water Control Law (§§ 62.1-44.34:15 and 62.1-44.34:16) requires that operators of tank vessels transporting or transferring oil in state waters have oil spill contingency plans and provide evidence of financial responsibility to ensure the capability to clean up a major oil spill. Prior to the 2004 statutory amendments, tank vessel operators were required to obtain Board approval for contingency plans and to annually renew approval for evidence of financial responsibility. The current legislation now allows operators to comply with the law by simply having valid U. S. Coast Guard Vessel Response Plan and a valid U. S. Coast Guard Certificate of Financial Responsibility. No additional approval by the Board is required for tank vessels having the respective U. S. Coast Guard approvals.

Due to differences in applicability criteria, there are a small number of tank vessels that are not subject to the U. S. Coast Guard requirements but are required to have Board approval. The Tank Vessel Oil Discharge Contingency Plans and Financial Responsibility Requirements (9 VAC 25-101-10 et seq.) is necessary to approve contingency plans and evidence of financial responsibility for these vessels.

The amendments to 9 VAC 25-101-10 et seq. incorporate statutory changes that eliminate the regulatory burden of application and Board approval for most tank vessel operators. The changes to the regulation are as follows:

1. Insert 9 VAC 25-101-35 to describe the acceptance of an approved U. S. Coast Guard Vessel Response Plan as meeting state requirements.
2. Amend 9 VAC 25-101-40 to describe the process to obtain approval for a tank vessel Oil Discharge Contingency Plan in lieu of having an approved U. S. Coast Guard Vessel Response Plan. To reflect the statutory change, delete subsections 9 VAC 25-101-40 B.2, B.3 and J., which described submittal of a U. S. Coast Guard Vessel Response Plan approval letter with a state application.
3. Insert 9 VAC 25-101-45 to describe the acceptance of a valid U. S. Coast Guard Certificate of Financial Responsibility as meeting state requirements.
4. Amend 9 VAC 25-101-50 to describe the process to obtain approval of evidence of financial responsibility in lieu of having a U. S. Coast Guard Certificate of Financial Responsibility. To reflect the statutory change, delete subsections 9 VAC 25-101-50 G.2, G.3, G.4 and K., which described the submittal of a U. S. Coast Guard Certificate of Financial Responsibility with a state application.
5. Amend 9 VAC 25-101-70 to allow for consideration of petitions at any time with respect to revision of this regulation.
6. A number of style and form changes were made to the document to reflect references to sections and to aid in reading of the document.

Statement of Final Agency Action

Please provide a statement of the final action taken by the agency: including the date the action was taken, the name of the agency taking the action, and the title of the regulation.

On August 31, 2004 the State Water Control Board adopted the amendments to Tank Vessel Oil Discharge Contingency Plans and Financial Responsibility Requirements, 9 VAC 25-101-10 et seq.

Family impact

Assess the impact of this regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

There are no aspects of this regulation anticipated to have any effect on family stability.